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A DIGEST OF TRENDS AND DEVELOPMENTS IN HUMAN RELATIONS

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THE PLIGHT OF FARM WORKERS

A report which *The New York Times* described editorially as "an important contribution to the public understanding of the farm labor problem in all of its complexities, and also of the ways in which it is being dealt with" has been published entitled, *The Position of Farm Workers in Federal and State Legislation* (New York 3: National Advisory Committee on Farm Labor, 112 E. 19th St., 1959).

Many observers of the Washington scene hopefully predict that this session of Congress will provide significant remedial legislation in the farm labor field and that the volume of such legislation in this Presidential year is greater than in recent years.

The National Advisory Committee on Farm Labor, publishers of the report, consists of twenty distinguished persons headed by Dr. Frank P. Graham, former United States Senator, and Mr. A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters (AFL-CIO).

Robin Myers is author of the report, and publication was made possible by the financial assistance of the Fund for the Republic. This issue of the *Interracial News Service* is a digest of the report.

Introduction

Although exact statistics on farm migrants are not available, it is known that slightly less than a million people are engaged in part-time, seasonal and migratory work. A little more than a million farm workers are full-time and another million workers are employed on farms for less than 25 days.

The migratory farm workers work across the United States and only two states out of fifty do not employ them. Contrary to popular belief, the South and the West are not necessarily the largest users of this labor. "The first four states, in order, are Texas, California, Michigan and New York."

"Five major migrant streams can be identified. One moves up the East Coast from Florida to New York and travels from Spring until October. A second moves from Texas into the Central and Great Lakes states. A third starts from Texas in late May and follows the ripening wheat from New Mexico into the Dakotas and over to Montana. A fourth works from the same base up through the Rocky Mountain states. The fifth goes up and down the three West Coast states. Most of the interstate travelers are fruit and vegetable workers, but the single crop in which the largest number of seasonal workers (not always migrants) are employed is still cotton."

Minority groups make up most of the migrant stream. "Many are Negroes, once sharecroppers, or with a small piece of land they could call their own, who have lost even that hold on stability. Others are citizens of Mexican descent, often still Spanish-speaking. A sizeable East Coast group comes from Puerto Rico. Some are anglos — okies and others who have followed the crops since the dust-bowl days and the depression when they lost their homes."

The picture is complicated by the addition of nearly half a million imported foreign-contract workers who are mentioned in this study only "as the pressure of their competition affects the living standards of citizen workers."

There is little doubt that conditions in agricultural labor have been substandard and although there has been improvement, the same situation exists today. "Rising concern with the problem is shown by the annual increase in the number of state migratory labor committees, which has now reached twenty-five."

"The purpose of this study is to examine pertinent federal

and state legislation in fields of major concern to farm workers — income level, workmen's compensation, residence laws, housing, transportation, children — and to discover their relative positions, in relation to other Americans as well as to their particular needs, under the law."

"I. Workmen's Compensation"

"Agriculture is the third most hazardous industry in the United States in terms of accidents to its participants.

"Yet farm workers, for the most part, are unprotected by the kind of workmen's compensation which covers other dangerous types of employment.

"Approximately three-fourths of the State workmen's compensation laws exempt agriculture. However, in most of these States it is possible for the farmer to come under the act if he desires. This is called 'voluntary' coverage as distinguished from 'compulsory' and 'elective'.

"Only California, Hawaii, Ohio, and Puerto Rico have compulsory workmen's compensation for agricultural workers on the same basis as other workers. Massachusetts covers nonseasonal but not seasonal workers. Connecticut and Vermont with elective-type laws, also have acts that apply to all farm workers in the same manner as to other employees. The workmen's compensation law of New Jersey is elective and applies to all farm workers, but the law expressly provides that farmers are not required to carry insurance.

"Coverage for certain mechanized or power occupations is compulsory in Arizona, Minnesota, New York, Oklahoma, and Wisconsin. It is elective for such classifications in Kentucky, Louisiana, South Dakota, and Wyoming.

"Voluntary coverage is provided by law in Illinois, Massachusetts for seasonal workers, New York and Oregon. Elective coverage is provided in California, Connecticut, New Jersey, and Vermont."

"II. Income Protection: Minimum Wage, Guaranteed Work, and Unemployment Compensation"

Although income protection has been offered to industrial workers for over twenty years, at least on a federal basis, through provision of a \$1.00 an hour minimum wage for workers in interstate commerce under terms of the Fair Labor Standards Act, and unemployment insurance has been provided on a basis of federal-state cooperation, the agricultural workers do not benefit at all.

Amendments to include agricultural workers under the wage and hour provisions of the Fair Labor Standards Act have been introduced into the Congress, but no legislation has been passed.

"In Hawaii and Puerto Rico, minimum-wage laws specifically do cover agricultural farm workers." Legislation in Alaska is broad enough to include agriculture.

"The composite hourly wage for farm workers in 1958 was 76 cents compared with \$2.13 for workers in manufacturing industries. Farm wages have risen 36 percent since 1959 but wages in manufacturing have risen 45 percent.

"In 1957, hired farm workers averaged \$892.00 of which \$154.00 was non-farm earnings. (Often, more than one person in a family works, so that family income is higher.) The widest variations occur in wage rates from section to section of the country. It is of course worthwhile for workers to move out of Texas, with 50-cent an hour wages, to work in the

State of Washington at \$1.25. Typically, southern states pay 50 to 60 cents an hour. New England averages 96 cents. The West Coast runs from 70 cents in Imperial Valley to \$1.25 in Washington.

"Thus a function of minimum-wage legislation would be not only to raise substandard income of farm workers but to help equalize conditions under which farmers, many of them directly competing in the same crop, make their living."

State legislation requiring regular paydays for farm workers is found in Massachusetts and Minnesota and the laws of 16 other states can be interpreted broadly to include agricultural workers. "Although the situation is now improving," the report states, "it is still discriminatory."

"Nothing like regularity or available work now exists in agriculture, of course, and there is no basis in present federal and state legislation for guaranteeing it. However, since one of the chief obstacles to adequate income for farm workers is the seasonal, sporadic, and unorganized nature of the work, it is worth mentioning nonlegislative governmental efforts which have begun to have an impact.

"Puerto Rican workers who come to the mainland under contract as agricultural workers are guaranteed 160 hours of work, or alternatively of pay, in a four-week period." Mexican workers have a similar agreement.

"In all, however, farm workers in 1957 . . . averaged only 131 days of farm work."

"For stateside domestic workers, the only approach to regular work is the administrative Annual Worker Plan, through which the State and Federal Employment offices attempt to organize interstate migration so that workers do not come until they are needed, and so that they have a schedule of places to go, assuring them of steadier work and their employers of a more stable labor supply."

"Every state, except Hawaii, specifically excludes farm labor from coverage under unemployment compensation laws. Hawaii and Puerto Rico have some coverage."

"But with these few exceptions, another anomaly of agriculture is that the workers that need help the most, because unemployment is one of the conditions of the job, have the least protection."

"III. Old Age and Survivors' Insurance"

Farm workers have been eligible for Old Age and Survivors' Insurance since January, 1955.

Originally the legislation stipulated that if a farm worker earned \$100 or more from a single employer during a calendar year he could qualify. This provision covered a substantial number of farm workers. Amendments passed in 1956 that went into effect January 1, 1957 lost coverage, so the Department of Labor estimated, for some 250,000 farm workers.

"IV. Mobility, Residence and Welfare"

The farm worker is not unusually mobile in America. "The mobility of the population is a peculiarly American phenomenon. . . ." According to a study by the New York State Department of Social Welfare, "Each year 1 out of every 5 Americans moves."

"Perhaps the greatest number of people move in order to better themselves economically."

A number of studies indicate that people do not move in order to receive public assistance.

"Among those Americans who move are nearly a million migrant farm workers who follow the crops. . . . [The] migrant farm worker is in a more exposed position, when he moves, than the other American migrants; more subject to crises; and with less resources to cope with difficulties that may arise. And his traveling job means that he remains in this condition for a lifetime, and not for the one-to-nine years that it takes most moving Americans to regain residence status.

"State laws giving residence qualifications for the receipt of public assistance vary widely. The only thing that has brought some coherence into them is the federal standards which go with programs operating under matching state and federal funds, and many states have adopted the maximum requirements permissible under federal grants as their standard. These programs are Old Age Assistance, Aid to the Blind, Aid to Dependent Children, and Aid to the Disabled. Since general assistance programs are state- and local-financed without federal

aid or standards, the federal criteria while influential have been less constant in application."

The variations from state to state in residence requirements for public assistance deprive many migrant workers of social benefits in the health and welfare field, and because of the crop seasons many migratory workers do not stay in a state a full year or move to "gain the initial settlement which is a premise behind the residence laws. . . . But since migrants are so particularly vulnerable in any case, through lack of resources to fall back on, permanent home or adequate income in the best of times, it might be felt that to provide for them the kind of services that residences receive would put an intolerable burden upon state treasuries." Actually such is not the case. New York has no residence requirements and has pertinent information on this subject. As the fourth largest user of migrant workers the following information seems pertinent:

"In Upstate New York, the State's \$1 billion agricultural economy is dependent upon the use of seasonal migrant workers, chiefly Negroes. Out of 43,000 seasonal migrant workers who came to New York State in 1957 to harvest our crops, 512, or 1.1 per cent of this migrant group, became in need of some form of public assistance or care, chiefly emergency hospital or medical care. Hospital care accounted for \$79,000; medical care for \$10,000; burial, \$3,000; and the remainder, \$6,000, was spent for various types of emergency services. The total cost of public assistance and care for these State charges was \$98,000, while the fruit and vegetable growers received approximately \$42.5 million for their products from the canners and freezers. The New York State Department of Labor estimates that this seasonal migrant group earned over \$25 million in wages, 85 per cent of which was left in the community where it was earned."

The 1958 Governor's conference appointed a committee to study the problem of granting and paying public assistance to stateless persons including: "(1) Reciprocal agreements or compacts among the states whereby the state in which the residence requirement for public assistance was last established by now 'stateless' persons will assume the cost of public assistance to the state wherein such assistance is granted, until such time as new residence is established; or, (2) Legislation by the Congress of the United States whereby the Federal Government will assume the cost of public assistance to these 'stateless' persons.

"Reciprocity does not, on the basis of experience to date, seem to hold much hope for solution. But federal aid, or proportionate grants to the states, would bring order out of present chaos and bring whatever aid is needed at a probable lessened financial cost as well as reduced human suffering."

"V. Residence and Voting"

"One of the reasons that migrants do not enjoy the various benefits now accorded by law to most other workers is their lack of political influence. This results from many interlocking factors . . . including low educational and economic levels, lack of stability in any given community, and very little union organization. But it is seen most directly in their inability to vote.

"Any examination of state laws makes it obvious that few migrants have the opportunity to fulfill the legal requirements of the home state for voters. Aside from the special state requirements such as literacy, poll tax, interpretation of the Constitution, the more basic and universal ones of residency, registration, and either physical presence on election day or compliance with absentee-voter conditions, are nearly impossible for migrants to meet."

It is suggested that a way to provide migrants with the vote could be found, and national and state absentee voter legislation to permit members of the armed forces to vote shows that it is possible to overcome unusual difficulties if there is a desire to do so.

"VI. Collective Bargaining"

"The wages of farm workers have been lower than those of industrial workers for at least fifty years, and their relative position has substantially degenerated during that period."

Part of the reason for this differential between farm and factory wages "is the difference between an organized industry and an unorganized industry. Farm wages have risen as the

indirect result of progressive unionization of American workers but "... the absence of any strong movement of farm workers to protect their own living standards has meant that these workers have not shared justly either in their own productivity or in the prosperity of other sections of the country."

"Farm labor is excluded from all federal legislation that protects the right of workers in interstate commerce to organize and bargain collectively." Although 13 states and Puerto Rico have state labor relations acts which protect the organizing rights of intrastate workers, only those of Kansas, Oregon, Puerto Rico, and Wisconsin "appear to be broad enough to cover agricultural workers." Hawaii's laws cover some agricultural workers. "This . . . does not mean a specific guarantee to farm workers of protection of the right to organize."

"Today, the Teamsters have successfully organized some dairy-farm factories, and the Amalgamated Meat Cutters some food processing plants. The Packinghouse Workers Union has some locals among West Coast packing sheds. The National Agricultural Workers Union . . . in 1934 started as a union of sharecroppers on the cotton plantations of Arkansas as the Southern Tenant Farmers Union."

Some of the difficulties in organizing agricultural workers are (1) difficulties in reaching the workers who have high mobility and sporadic unemployment; (2) the lack of protecting legislation for union organization, the lack of education, the division into diverse racial and nationality groups, and subjection to minority discrimination; (3) the persistence of the "national idealization of agriculture which assumes the individual family farm as the norm, and has not yet caught up with the modern business farm corporation with absentee ownership which actually controls much of today's production and the workers who made it possible."

For the first time (in 1959) the AFL-CIO has given "enough aid to make a serious organizing campaign among farm workers possible. . . . It remains to be seen, on that basis of past experience, whether this will mean only lack of a favorable governmental atmosphere, or the actual use of parts of the government apparatus on behalf of employers to frustrate the organization of farm workers."

"VII. State Regulation for Labor Camps"

"In a twenty-one state survey made by the Home Missions Division of the National Council of Churches . . . migrant workers themselves named bad housing and the inability to maintain sanitary conditions their most serious health menace. Bad housing, flies, mosquitos, lack of screening, dirty beds and mattresses, unsanitary toilets and lack of hot water and bathing facilities were among the conditions cited."

"In May, 1956, the President's Committee on Migratory Labor issued a report entitled 'Suggested Language for Regulations of Agricultural Labor Camps.' Today, fourteen states report having certain labor camp regulations now in operation for the protection of the health and welfare of migrant farm labor."

The regulations suggested by the Committee "... included minimum health and safety standards for shelter; adequate and safe water supply; screening, heating, and lighting regulations; toilet, garbage and refuse disposal standards; sanitary bedding and sleeping arrangements, clean and adequate cooking and eating facilities, and so on." Only eleven states which utilize migrant labor have attained standards meeting those suggested by the President's Committee. These are: California, Delaware, Florida, Hawaii, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania and Wisconsin.

"Where do the states fall down? In such matters as adequate fire prevention regulations, sufficient floor space per person for proper health standards, an adequate number of showers and other items perhaps minor taken alone but unsafe and uncomfortable taken together. But over and above these, the gravest problem, next to adoption of regulations in the first place, is enforcement. Without proper enforcement procedures, agricultural labor camp regulations become a sham."

"VIII. Children"

Although the number of children who travel with the crops is unknown, the figure "is in the hundreds of thousands."

"Children of migrant agricultural workers suffer from all the disadvantages and disabilities that handicap the whole

migrant community — unusual health hazards, inadequate food and housing due to low income level, lack of stable family life, and rejection by the community. In addition, two aspects of the migrant situation particularly affect the children and their future. The first is the common use of child workers, both legally and illegally. The second is their deprivation of such educational opportunities as would enable them to make their own lives an improvement over those of their parents."

"Two pieces of federal legislation deal with child workers in agriculture. The Fair Labor Standards Act, whose coverage is limited to work in connection with interstate commerce, has established a 16-year age minimum for agricultural workers during hours when school is in session. This is limited by varying interpretations as to whether school must be in session in the areas where the child migrants are or in the home areas from which they have come.

"Under the Sugar Act, if producers are to obtain maximum benefits, they may not employ children under 14 or permit those of 14 and 15 to work more than eight hours a day in the cultivation or harvesting of sugar beets or sugar cane."

Many of the nation's farms do not come under the provisions of these acts, however. It is also true that "close to half a million children 10-15 years of age, worked on farms for pay." It is also known that "Children under 16 constitute a sizeable proportion of the country's seasonal hired work force" and that in many states laws are on the books that permit children under 16 to be excused from school to work in agriculture. "The situation as it relates to children of migratory workers is even more serious, since many of the state school laws do not apply to them."

According to studies "The most common reason for the employment of child workers in agriculture, to an extent no longer acceptable in other industries, is that the low wage of the bread-winner of the family is not sufficient (averaging under \$900 a year) to pay minimum family expenses, and so everyone works who can. This in turn creates the vicious cycle of child labor lowering wage standards and contributing to the perpetuation of subnormal wages."

"Another reason that children work long hours in the fields is that there isn't anything else to do with them. The more alert and progressive states in respect to migratory labor are apt to have one-to-three child-care centers among their migrant camps, servicing, perhaps, as in New York State, some 15 per cent of the children. They will have one or two pilot schools for children of a slightly older age group. And religious or other voluntary groups may provide a similar amount of care. Mother always works to supplement father's earnings, or she may be the only breadwinner, so that sometimes older children stay home to care for the younger."

"Thus it is that every inspection of the Wage and Hour and Public Contracts Division finds thousands of children working illegally, as well as hundreds of thousands working legally."

"In a recent survey . . . of 4,400 children who furnished information on the last school grade attended, 59 per cent were in grades below normal for their ages. . . . Secretary of Labor James Mitchell . . . stated. 'The Wage and Hour investigators recently talked to some 2,500 migrant children, working in the fields during school hours. Seventy percent of them are behind their contemporaries — some way behind. . . . In most places, the local schools cannot handle and do not want migrant children. In most places the local taxpayer balks at a great increase in his tax load to care for children that he sees only for a limited number of weeks in the year, and whose parents do not contribute to the tax base.'

Migrant children lose school time due to mobility and also because in some states school closes down for harvesting. "States to which the children have come don't know about them, or think a six-weeks' stay isn't time enough to be worth the trouble, or don't have space for a sudden overflow of pupils who will soon be gone."

"Other reasons for nonattendance at school lie beyond the school authorities' perview. First, of course, is the likelihood that the children are occupied as workers. Then, related family needs may keep them away: taking care of younger children, or translating for a parent who cannot speak English. It may be related to the low income level of the family; the child may

not have adequate clothes or any shoes at all. There may not be transportation, or the family may not be able to afford transportation.

"Beyond the family, the desire of the child may enter in. Since most migrant children are retarded, and the older they are, the more they are apt to have fallen behind, the children would often prefer not to go to school where they are placed in a strange classroom of younger but comparatively better educated children; they may not even understand the language spoken. Add to this a lack of welcome or discriminatory attitude on the part of other children, and the migrant's distaste for school is naturally increased. The child is often glad to drop out as soon as he can."

Some improvements have come about such as traveling report cards, specific techniques for welcoming and teaching migrants, and changes in community attitude. These have seldom come through legislation but rather "from pilot work by voluntary organizations and enlightened school personnel who have sought out migrants in their localities and encouraged an educational program in their behalf. Legislation might be most beneficial in providing funds for schools in migrant areas that need additional facilities and trained teachers to care adequately for the children who travel with the crops." Some efforts have been made along these lines by a few states.

"IX. Crew Leaders and Labor Contractors"

One of the most difficult questions in the migrant labor field is "what is a crew leader as distinguished from a labor contractor. . . .?"

"Sometimes crew leaders show genuine and valuable leadership qualities. Often the crew leader is the only English-speaking member of a group, and in many ways interprets the new situation for the migrants and by his experience helps them along.

"Some crew leaders stay on as working members of the crew and are not further distinguished from the others once original job arrangements have been made. Others are in complete charge of the job, housing and commissary arrangements and even wage payment, acting as intermediary for the actual employer."

Abuses by crew leaders were found in many instances and included such things as per capita payment for travel expenses for migrants to a crew leader and a duplicate collection by him from the migrants, "arrangement for tavern credit on a percentage fee basis from the proprietor who increases prices to pay the fee."

The high turnover from year to year in crew leaders creates difficulties. "The New York Times of June 21, 1959 disclosed that a federal check of New York registration of crew leaders showed that of 500 from Florida, 45 per cent gave addresses at which they could not be located. Eighteen per cent of those who had given proper addresses had failed to pay federal Social Security taxes, even though they may have collected from the migrant workers in their crews."

Legislative proposals to require crew leaders to register on a national basis were introduced into Congress in 1959, but no legislation has been passed.

"The need for this federal control is seen on the simple basis that most crews cross many state lines and are subject to varying jurisdictions in any season."

"It is assumed that the crew leader is the employer of

workers whom he brings to the farm, unless the farmer pays the workers directly himself and the crew leader has a written agreement with the farmer showing that he, the crew leader, is the farmer's employee."

"X. Transportation"

Migrants spend a great deal of time on the road and transportation is a very important part of their lives. There have been tragic vehicular accidents to remind the nation of this fact. "Although adequate enforcement of normal traffic and safety regulations might be thought to include the transportation of farm workers, supplementary regulation has been found necessary."

An amendment to the Interstate Commerce Act in 1956 sets requirements that apply "to carriers in the case of transportation of migrant workers for a total distance of more than 75 miles, and if such transportation is across the boundary line of any state, the District of Columbia, or Territory of the United States, or a foreign country.

"Regulations under this law have been issued by the Commission and are now in effect. These regulations list qualifications of drivers of vehicles transporting migrants, including physical fitness and a minimum age of 21, and they place a limitation on the drivers' hours of work. They also require protection of passengers from cold; meal stops at least every six hours, and rest stops. In addition, the regulations include requirements as to vehicles such as that they must have side walls and ends, seats with back rests, and smooth floors.' A further regulation, to bar unsafe vehicles from the road, is under consideration."

"While interstate transport of migrant farm workers is now officially regulated by the Interstate Commerce Commission of the federal government, few individual states have taken comparable action to ensure safe transportation of migrants within their borders. In fact, only six states now have any specific laws or regulations governing the movement of migrants by privately owned conveyances. These states are: California, Connecticut, New York, Oregon, Pennsylvania, and West Virginia. In addition, other states such as Ohio and West Virginia have general 'safety responsibility' laws, which apply to the operation of all motor transport vehicles and prohibit various unsafe practices, and which include and benefit migrants."

"It remains, however, a matter of surprise as well as concern that so few states have followed the lead of the Interstate Commerce Commission in furthering the transportation safety of migrants which is, also, bound up inextricably with the safety of their own residents on their own highways."

The Position of Farm Workers in Federal and State Legislation closes with a bibliography which relates to sources used in the report. It is not a bibliography of general titles for an inquiring reader, although there is much in the bibliography that would be profitable to read.

The matter in these pages is presented for the reader's information. Unless so stated, it is not to be construed as reflecting the attitudes or positions of the Department of Racial and Cultural Relations or

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